
Status & Remarks

The application presently contains the following claims:

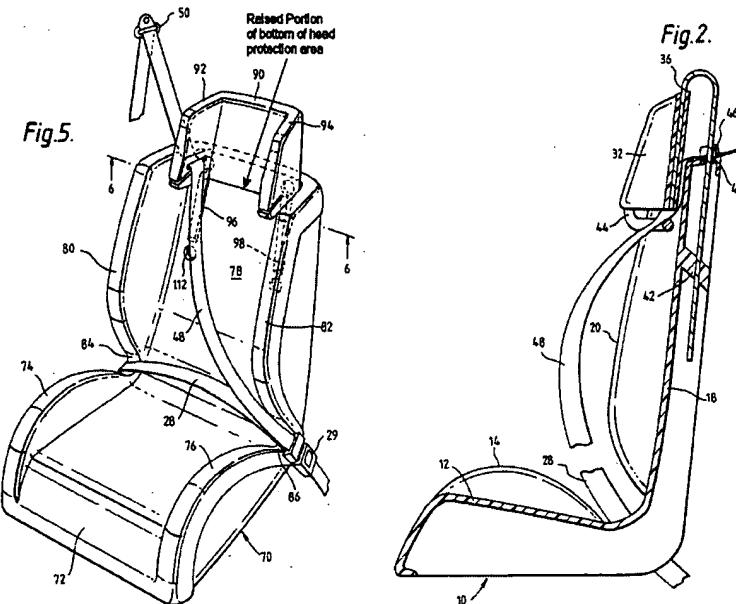
<u>Independent Claim #</u>	<u>Dependent Claim #s</u>
1	2-10
11	12-22
<u>23</u>	<u>24-32</u>

Claims 1, 6, 11, 23 and 28 are amended in this response. No claims are added. Support for the claim amendments may be found with reference to FIGS. 1-4 as originally filed. Specifically areas designated as 18 and 20 are shown to be in horizontal parallel alignment as well as with reference to originally filed patent application paragraphs [0014] and [0015].

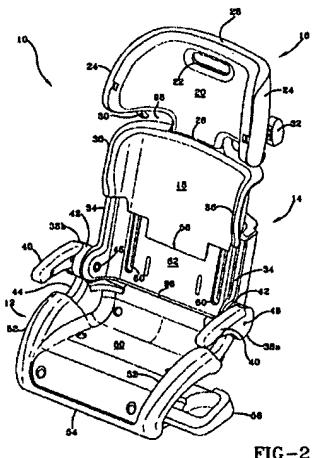
35 U.S.C. §102

The examiner has rejected claims 1-8, 10, 23-30 and 32 under this section, subparagraph (b) as being anticipated by USP 4,854,639 to *Burleigh et al.*, and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments.

While it appears as if *Burleigh et al.*, discloses a movable component with an upper headrest area with a pair of forward-extending wings, it is also clear that this patent does not teach the limitation that the "upper headrest area in invariant fixed relationship to said lower area." As clearly seen in FIG. 5 of *Burleigh et al.*, the adjustability of the forward-extending wings will inherently provide a **variable** relationship to the lower area. Therefore, unlike the invention of *Meeker & Gibson* in which the headrest and inner component move together, and which are essentially flat, the *Burleigh et al.* invention will always have a head protection area (90, 92, 94) which is raised from the top surface of the seat back panel (78). This head protection area moves up and down in conjunction with the vertical movement of slide bar (36).



By contrast, the “overlapping” or “telescoping” arrangement found in the geometry of the applicant *Meeker & Gibson*, clearly distinguishes over that of *Burleigh et al.*, by providing “contiguous” or “essentially gapless” support for the occupant, a limitation which has always been present in claim #1 and claim #11. By positioning the forward-extending wings in fixed invariant relationship to the lower portion of the inner movable component and maintaining the inner movable component in sliding relationship to the fixed component, the applicant is able to ***remove*** the raised portion of the forward-extending head protection area and make the seat more comfortable for the user ***while still retaining full back support for the occupant***. This is not possible with the arrangement of *Burleigh et al.*.

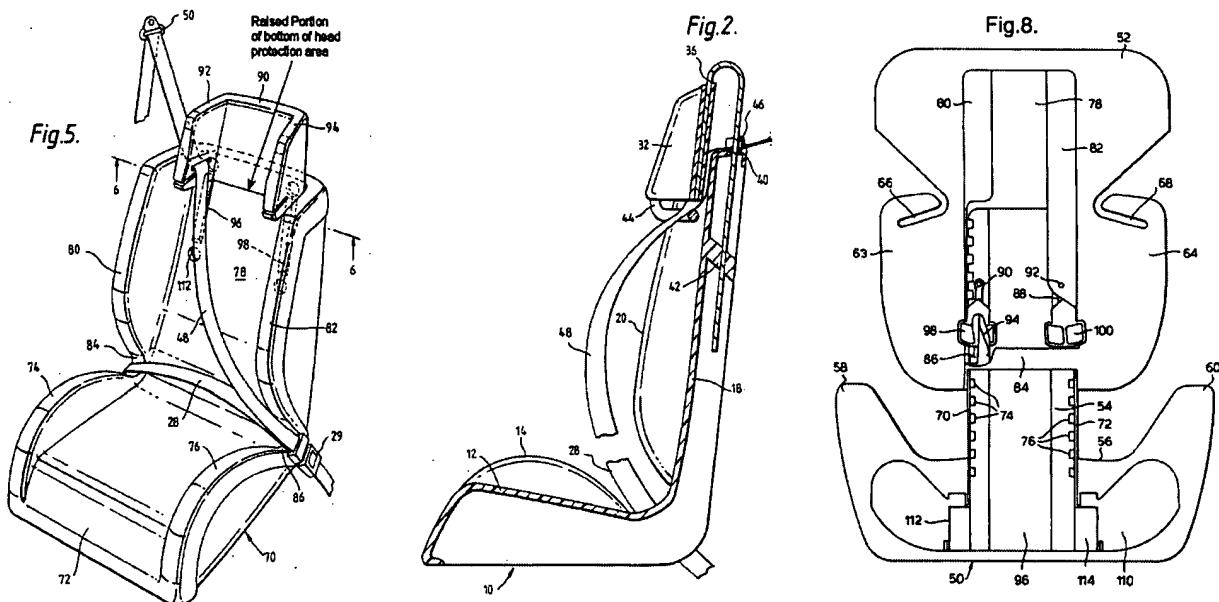


It is believed that the incorporation of the "contiguous" or "essentially gapless" limitation in combination with the invariant positioning of the head protection area in relationship to the bottom portion of the movable

component in addition to the surface-to-surface arrangement thereof, that achieves the highly desirable elimination of the raised portion of *Burleigh et al.* headrest above the plane of the seat back and distinguishes in a patentable manner, over the teachings of *Burleigh et al.* The value of this arrangement is that rear-end collision impacts are now distributed over a significantly larger surface area on the car seat which hopefully, results in less kidney or spinal cord damage to the occupant in addition to improved comfort of the occupant.

35 U.S.C. §103

The examiner has rejected claims 9 and 31 under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, in view of U.S. Patent No. 5,845,968 to *Lovie* and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments.

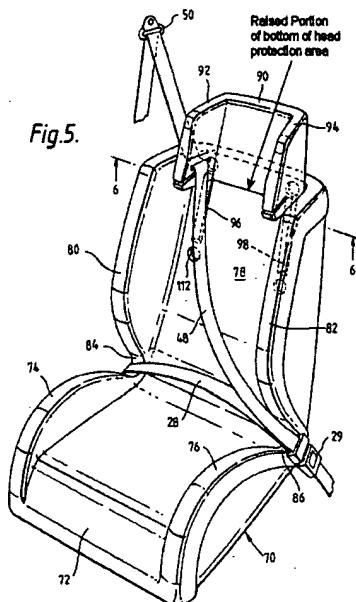


The examiner is suggesting that by substituting the mating teeth (98, 100) with associated grooves (76) of *Lovie* for slide bar (36) of *Burleigh et al.*, the limitation of mating teeth and grooves is met of claims 9 and 31. It is respectfully submitted that this is a selective reading of the two references. In fact, a more accurate reading would teach that the head protection area could be positioned by mating teeth and grooves, but that this combination would still suffer from the inherent problems of the head protection area having a raised portion which is uncomfortable to the occupant. This is completely eliminated by the applicant's invention, thereby solving a problem that neither *Burleigh et al.*, or *Lovie* even recognized.

The examiner has rejected claims 11- 22 under this section, subparagraph (a) as being unpatentable over *Burleigh et al.*, in view of U.S. Patent No. 5,845,968 to *Lovie* as applied to claims 9 and 31

above, and further in view of U.S. Patent no. 5,803,543 to *Hartman* and provided his reasons therefore. The applicant's attorney would respectfully request the examiner to revisit his position in light of the following comments and amendments made to independent claim #11.

The examiner has indicated that by selectively combining what is believed to be the "best" features of all of the identified references, the invention of the applicant will be rendered obvious. It is respectfully submitted that nothing could be farther from the truth.



Request for Reconsideration

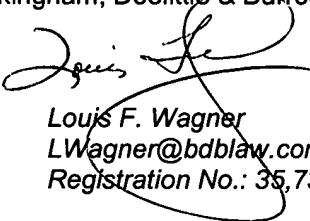
Applicant believes that all independent claims clearly define over the prior art and that the distinctions between the present invention and the prior art would not have been obvious to one of ordinary skill in the art. Additionally, the remaining dependent claims, by the limitations contained in the base independent claims, are felt to be patentable over the prior art by virtue of their dependency from independent claims which distinguish over the prior art of record. All pending claims are thought to be allowable and reconsideration by the Examiner is respectfully requested.

It is respectfully submitted that no new additional searching will be required by the examiner. A fee determination sheet is attached for this amendment response. The Commissioner is hereby authorized to charge any additional fee required to effect the filing of this document to Account No. 50-0983.

It is respectfully submitted that all references identified by the examiner have been distinguished in a non-obvious way. If the examiner believes that a telephonic conversation would facilitate a resolution of any and/or all of the outstanding issues pending in this application, then such a call is cordially invited at the convenience of the examiner.

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Respectfully Submitted,
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